

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES)
) CR No. 16-137
v.)
LATEL SMITH)

MEMORANDUM ORDER

Defendant, proceeding pro se, filed a Motion for Compassionate Release pursuant to the First Step Act (“FSA”), 18 U.S.C. § 3582. By Order dated October 29, 2020, the Motion was denied for failure to exhaust. Having now exhausted his administrative remedies, Defendant has filed a Supplemental Motion for Compassionate Release, which has been considered pursuant to well-established liberal standards applicable to pro se litigants. Defendant is presently incarcerated at FCI Hazelton. According to the Bureau of Prisons inmate locator, his release date is July 26, 2024.

A district court has limited authority to modify a sentence. Under the FSA, prisoners may request compassionate release for “extraordinary and compelling reasons.” 18 U.S.C § 3582(c)(1)(A)(i). Defendant contends that he has been diagnosed with obesity, and also suffers from chronic stress syndrome. Defendant has not submitted any medical records reflecting these diagnoses, and the Court cannot rely on his bare assertions. Moreover, courts have been reluctant to grant relief in this context based on obesity alone, or in combination with stress-related disorders. See, e.g., United States v. Wiltshire, No. 11-310, 2020 U.S. Dist. LEXIS 231839, at *16 (E.D. Pa. Dec. 9, 2020); United States v. Fountain, No. 12-155, 2021 U.S. Dist. LEXIS 14023, at *15 (E.D. Pa. Jan. 26, 2021). Indeed, as one court noted, conditions such as anxiety, depression, panic attacks, and PTSD “do not present the kind of vulnerability to COVID-19 necessary to justify compassionate release.” Fountain, 2021 U.S. Dist, LEXIS

14023, at **14-15. While I do not minimize Defendant's concerns about COVID-19, he has not demonstrated entitlement to relief; his Supplemental Motion must be denied.

AND NOW, this 26th day of March, 2021, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, reading "Donetta W. Ambrose". The signature is written in a cursive, flowing style.

Donetta W. Ambrose
Senior Judge, U.S. District Court